IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12717 of 2004

Between:

V.S.Pratap, S/o.V.Venkataramaiah,
O/o.Commercial officer (working Lines) Bharat Sanchar Nigan Ltd., Tirupathi,
R/o.Tirupathi, Chittoor Dist.

..... PETITIONER

AND

1 The General Manager, Bharat Sanchar Nigam Ltd., Telecom Dist., Tirupathi, Chittoor Dist.
2 Assistant General Manager (Admn), O/o.The General Manager, Bharat

Sanchar Nigam Ltd., Telecom Dist, Tirupati, Chittoor Dist.
3 The Commercial officer, (working Lines), O/o. The General Manager,

Bharat Sanchar Nigam Ltd., Telecom Dist., Tirupathi, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly a writ in the nature of Mandamus, declaring the Lr.No.E-47-9/Ret/C.O.place/TMs/03-04/ 38, dated 8-7-2004 of the 2nd respondent, within a period of less than one month from the date of last transfer even without considering the petitioner's request for retention at Tirupathi; especially in the light of the fact that he is a severely physically handicapped person and that it is the middle of the academic year, as being illegal, arbitrary, mala fide and punitive, besides being violative of Articles 14 and 16 of the Constitution of India, as well as the established judicial precedents, and consequently set aside the same.

Counsel for the Petitioner: MR.C.A.RSESHAGIRI RAO

Counsel for the Respondent Nos.1 to 3: SMT. P.SHARADA, SC FOR BSNL.

The Court at the stage of admission made the following:

ORAL ORDER:

The petitioner is working as a Telecom Mechanic. He says that he is a physically handicapped person and his permanent residence is at Tiruapthi. He entered into service in the year 1986 and since then he has been working at Tirupathi. Whenever he was transferred to other places, he was making a request to retain him at Tirupathi, on the ground that he is a physically handicapped person, and the requests were being considered by the respondents.

2. On 09-06-2003 he was transferred to Venkatagiri Kota of Kuppam Sub-Division. He made a request to re-transfer him to Tirupathi. By considering the said request, he was posted to Chandragiri, through the proceedings dated 05-08-2003, which is at a distance of 14 Kilometers from Tirupathi. He made a further representation to consider his request to retain him at Tirupathi. He approached the Central Administrative Tribunal on the ground that no action was initiated by the respondents on his representation.

3. The Central Administrative Tribunal, Hyderabad Bench in O.A.No.957 of 2003 passed an order on 25-09-2003, which reads as follows:

> "In the result, this OA is disposed of with a direction to Respondent No.1 to consider the representation dated 05-08-2003 of applicant sympathetically by passing appropriate orders within a period of 3 weeks from the date of receipt of a copy of this order. In the meanwhile I order for maintenance of status quo as on today. If the applicant has been already relieved, Respondent No.1 may consider grant of extension of time to join at the place of posting."

4. Initially, he made a representation on 05-08-2003 and it was rejected by the first respondent on 20-11-2003. He made another representation mentioning about his hardship on 26-12-2003. The first respondent, after considering the said representation and the direction of the Central Administrative Tribunal, posted him to Tirupathi through the proceedings dated

29-01-2004.

5. Subsequently he was transferred from Tirupathi to R.R.Puram, Indoor under the control of SDOT, Puttur through the proceedings dated 08-07-2004, which was said to be received by the petitioner on 09-07-2004. On the same day he made another representation to consider retaining him at Tirupathi on the ground that he has three daughters studying 9th, 7th and 5th classes respectively in an English Medium School at Tirupathi.

6. The petitioner approached this Court with a grievance that the first respondent did not pass any order on his representation dated 09-07-2004.

7. The learned counsel for the respondent represented that the petitioner has been working from the date of entry into service at Tirupathi and he was transferred by the second respondent through the order dated 08-07-2004.

8. The details regarding the physically handicappedness of the petitioner are not available with this Court, except a certificate said to be issued by a Doctor mentioning that there is weakness in the feet.

9. In the light of the above circumstances, it is for the respondents 1 and 2 to give disposal at the earliest to the representation of the petitioner, after taking into consideration the desirability and the request of the petitioner to retain him at Tirupathi and pass appropriate orders according to Rules.

10. The Writ Petition is accordingly disposed of.

Dr. G.YETHIRAJULU, J.

26th July, 2004.

SKM

Note:

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C.C. by Tomorrow.

B/O.

SKM

TO

1 The General Manager, Bharat Sanchar Nigam Ltd., Telecom Dist.,

Tirupathi, Chittoor Dist.

2 The Assistant General Manager (Admn), O/o.The General Manager,

Bharat Sanchar Nigam Ltd., Telecom Dist, Tirupati, Chittoor Dist.

3 The Commercial Officer, (working Lines), O/o. The General Manager,

Bharat Sanchar Nigam Ltd., Telecom Dist., Tirupathi, Chittoor Dist.

4. The Registrar, Central Administrative Tribunal, Hyderabad Bench at

Hyderabad.

5. Two C.D.Copies.